THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5215 of 2006

DATED: 17-03-2006

Between:

The Primary Agriculture Co-operative Society

Vemanpally, Vemanpally Mandal, Adilabad

District, rep. By its Secretary/Chief Executive Officer

Thallapally Laxman Goud and another

…Petitioners

and

The District Collector,

Adilabad and others … Respondents

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WRIT PETITION NO. 5215 of 2006

ORDER:

The first petitioner is Primary Agriculture Co.operative Society, Vemanpally, Vemanpally Mandal, Adilabad district and the second petitioner is Cooperative Central Bank, Chennur Branch.

It is the case of the petitioners that the respondents 3 to 21 are the agriculturists holding the agricultural lands situated at Kotepally and Gudepally villages, Vemanpally Mandal, Adilabad District. The lands owned and possessed by

them are sought to be acquired for the purpose of Neelwai project. It is stated that as on the date of issuance of notification under Section 4(1) and draft declaration under Section 6 of the Land Acquisition Act, the said lands were mortgaged in favour of the petitioners and raised certain agricultural loans by the formers. It is the case of the petitioners that the petitioner-bank has got a charge over the said property for recovery of the loan amounts and as the said lands have been sought to be acquired, the petitioners, being the interested persons in respect of the payment of the compensation to the extent of the loans advanced by them and repayable by the agriculturists, 2nd petitioner filed an objection before the 2nd respondent, Land Acquisition Officer on 06-02-2006 stating that the unofficial respondents have mortgaged their lands and defaulted the payment of the amounts and also furnished the particulars of the defaulters.

I am not inclined to express any opinion on the merits of the case as to whether the agriculturists have defaulted in payment of amounts and whether there was any mortgage as on the date of the publication of the 4(1) notification. However, under Section 9 and 10 of the Act, the persons who are interested with regard to the payment of the compensation are entitled to file their objections during the course of enquiry of award proceedings.

Having regard to the facts and circumstances of the case, the second respondent is directed to consider the objections filed by the petitioners after hearing them and after giving reasonable opportunity to the objectors and the ryots and pass appropriate orders in accordance with law.

Writ petition is disposed of accordingly. No order as to costs.

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V. ESWARAIAH, J.

Dated: 17-03-2006

Note:

Issue C.C.within two days.

(B/O)

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